

LEWIS BRISBOIS BISGAARD & SMITH LLP

ALEX A. GRAFT, SB# 239647

E-Mail: Alex.Graft@lewisbrisbois.com

45 Fremont Street, Suite 3000

San Francisco, California 94105

Telephone: 415.362.2580

Facsimile: 415.434.0882

Attorneys for Defendant

ROBERT N. WEAVER, ESQ.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CARL A. WESCOTT,

Plaintiff,

vs.

FREDERICK C. FIECHTER, IV;

DAVID M. ZEPP, ESQ.;

ROBERT N. WEAVER, ESQ. + DOES 1
through 25,

Defendants.

Case No. CV22-4288-AGT

**DEFENDANT ROBERT N. WEAVER,
ESQ.'S NOTICE OF SPECIAL MOTION
AND SPECIAL MOTION TO STRIKE
(ANTI-SLAPP) PLAINTIFF'S
COMPLAINT PURSUANT TO CAL.
CODE OF CIVIL PROCEDURE § 425.16**

Date: December 16, 2022

Time: 10:00 a.m.

Courtroom: A - 15th Floor

Magistrate Judge Alex G. Tse

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 16, 2022, at 10:00 a.m., or as soon thereafter as the matter can be heard in Courtroom A, 15th Floor of the above-entitled courthouse, located at United States District Court, Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, Defendant ROBERT N. WEAVER, ESQ. ("Attorney Weaver") will, and hereby does, move the Court for an Order striking Plaintiff CARL A. WESCOTT's ("Plaintiff") entire Complaint as against ROBERT N. WEAVER, ESQ. pursuant to Code of Civil Procedure section 425.16.

This Motion is made on the ground that the claims alleged in Plaintiff's Complaint against Attorney Weaver arise from Attorney Weaver's acts in furtherance of his constitutional rights of petition and speech, triggering the protections of Code of Civil Procedure section 425.16. Further,

1 Plaintiff's claims against Attorney Weaver are without merit, and Plaintiff thus cannot sustain his
2 burden of demonstrating a probability of prevailing on the merits.

3 This motion is based upon the attached Memorandum of Points and Authorities, the
4 request for judicial notice contained therein, the Declarations of Attorney Weaver and his counsel,
5 Alex A. Graft, and all papers, records, and documents on file in this action, and such evidence as
6 may be presented at or before the hearing of the motion.

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8 DATED: November 16, 2022

LEWIS BRISBOIS BISGAARD & SMITH LLP

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10 By: /s/ Alex A. Graft
11 ALEX A. GRAFT
12 Attorneys for Defendant
13 ROBERT N. WEAVER, ESQ.
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